

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 17 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSEPH WHITAKER,

Plaintiff - Appellant,

v.

M. SALEEM, Dr.; et al.,

Defendants - Appellees.

No. 13-15983

D.C. No. 4:13-cv-00113-PJH

U.S. District Court for Northern
California, Oakland

REFERRAL NOTICE

This matter is referred to the district court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous).

If the district court elects to revoke in forma pauperis status, the district court is requested to notify this court and the parties of such determination within 21 days of the date of this referral. If the district court does not revoke in forma pauperis status, such status will continue automatically for this appeal pursuant to Fed. R. App. P. 24(a).

This referral shall not affect the briefing schedule previously established by this court.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Cyntharee K. Powells
Deputy Clerk